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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
[San Francisco Division]

3 MANI SUBRAMANIAN, as an individual
etc..

Case No. 08-cv-1426-VRW [ECF]

Plaintiff,

vs.

7 ST. PAUL FIRE AND MARINE
8 INSURANCE COMPANY, et al. (including
9 QAD INC., a Delaware Corporation with
10 principal place of business in California; JOHN
11 DOORDAN, an individual and citizen of
12 California; LAI FOON LEE, an individual and
13 citizen of California; ROLAND DESILETS, an
14 individual and citizen of New Jersey; and,
15 WILLIAM D. CONNELL, an individual and
16 citizen of California).

Date: October 9, 2008
Time: 2:30 p.m.
Dept: Courtroom 6
Judge: Hon. Vaughn R. Walker

Defendants.

**[PROPOSED] ORDER
GRANTING MOTION BY DEFENDANTS
QAD INC., WILLIAM D. CONNELL, JOHN DOORDAN, AND LAI FOON LEE
TO DISMISS COMPLAINT PURSUANT TO FRCP RULE 12(b)(6)**

1 The Motion of defendants QAD INC., JOHN DOORDAN, LAI FOON LEE, and
2 WILLIAM D. CONNELL (collectively “QAD-Related Defendants”) to Dismiss the Complaint in
3 the above-captioned action [Docket Nos. 29 and 30] came on regularly for hearing before this
4 Court on October 9, 2008.

Upon consideration of the papers filed in support of, and in opposition to, the Motion, and
hearing the oral arguments of counsel for defendants and of Plaintiff Mani Subramanian, and good
cause appearing therefore,

8 IT IS HEREBY ORDERED:

9 The QAD-Related Defendants' Request for Judicial Notice [Docket No. 31] is GRANTED.

10 The QAD-Related Defendants' Motion to Dismiss Complaint pursuant to Rule 12(b)(6),
11 Fed.R.Civ.Proc., is GRANTED. The Complaint, and each and every purported cause of action
12 therein, fail to state any claim upon which relief can be granted as to the QAD-Related Defendants,
13 in that:

14 1. The Complaint, and each and every cause of action therein, are barred by the
15 doctrine of *res judicata*;

16 2. The First Cause of Action (to set aside this Court's Order dismissing the claims in
17 Case No. 04-1249-VRW) is duplicative litigation and lacking any justification;

18 3. The Second, Fourth, and Fifth Causes of Action are barred by the statutes of
19 limitations respectively applicable to each;

4. The Second Cause of Action is barred by the *Noerr-Pennington* doctrine; and,

21 5. The Complaint, and each and every cause of action therein, fail to state facts
22 sufficient to set forth a claim for relief.

Based on the foregoing, the Complaint is dismissed in its entirety, with prejudice, and without leave to amend.

Dated: _____, 2008

HON. VAUGHN R. WALKER
Chief Judge, United States District Court